



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Bastian Nuyen et al.

Art Unit : 1654

Serial No. : 09/622,433

Examiner : R. Winston

Filed : May 10, 2002

Title : PHARMACEUTICAL FORMULATION OF A DIDEMNIN COMPOUND

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

In response to the Restriction Requirement dated July 14, 2004, Applicants elect the invention of Group I, claims 1-8, drawn to a pharmaceutical composition comprising firstly a lyophilized didemnin preparation including water-soluble material and secondly a reconstitution solution of mixed solvents and/or drawn to a didemnin composition comprising a vial of lyophilized didemnin preparation including a water-soluble bulking agent, and a separate vial of a premix of non-ionic surfactant/ethanol/water. The election is made without traverse.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

August 5, 2004  
Date of Deposit

Denise A. Rose  
Signature

Denise A. Rose  
Typed or Printed Name of Person Signing Certificate

Applicant : Bastian Nuyen et al.  
Serial No. : 09/622,433  
Filed : May 10, 2002  
Page : 2 of 2

Attorney's Docket No.: 14620-012US1 / JC/USP78531

Please apply any charges or credits to Deposit Account No. 06-1050, referencing  
Attorney Docket No.: 14620-012US1.

Respectfully submitted,

Date: August 4, 2004

John T. Kendall  
John T. Kendall, Ph.D.  
Reg. No. 50,680

Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110-2804  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906